

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CR 12-0618 CW
)	
Plaintiff,)	[PROPOSED] PRELIMINARY ORDER OF
)	FORFEITURE
v.)	
)	
MARTIN BINMON AVERY,)	
)	
Defendant.)	

Having considered the Application for a Preliminary Order of Forfeiture filed by the United States and the defendant's plea of guilty on June 24, 2013, wherein the defendant admitted to the forfeiture allegation, and good cause appearing,

IT IS HEREBY ORDERED that the following property is forfeited to the United States:

- a. Toshiba Satellite M45 laptop computer with serial number 95071933Q;
- b. an 8 GB micro SD card;
- c. an unmarked micro SD card, roughly 2GB in capacity; and
- d. an 8 GB SD memory card

("subject property").

IT IS FURTHER ORDERED that the United States, through its appropriate agency, shall seize the forfeited property forthwith and publish at least once, on a government website, for at least thirty days, notice of this Order, notice of the government's intent to dispose of the property in such manner as the Attorney General may direct and provide notice that any person, other than the defendant, having or

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1 claiming a legal interest in the property must file a petition with the Court and serve a copy on
2 government counsel within thirty (30) days of the final publication of notice or of receipt of actual
3 notice, whichever is earlier.

4 IT IS FURTHER ORDERED that the government shall to conduct discovery in order to identify,
5 locate or dispose of property subject to forfeiture in accordance with Rule 32.2(b)(3) of the Federal
6 Rules of Criminal Procedure; and

7 IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce the Preliminary
8 Order of Forfeiture, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure
9 32.2(e).

10 IT IS SO ORDERED this 10th day of July, 2014.

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13 CLAUDIA WILKEN
14 United States District Judge
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